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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,036	01/31/2000	Ruibing Hao	29250-000920/US	4280
7590	12/29/2004		EXAMINER	
John E Curtin HARNES DICKY & PIERCE PLC P O Box 8910 Reston, VA 20195			PHILPOTT, JUSTIN M	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/495,036

Applicant(s)

HAO ET AL.

Examiner

Justin M Philpott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08),  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 3-6 and 8-10 have been considered but are moot in view of the amendments to the claims and the new ground(s) of rejection.

Specifically, the newly added limitations to the claims are not clearly taught by the prior art cited in the previous rejection of the claims. However, the claims as amended are anticipated by U.S. Patent No. 6,466,548 to Fitzgerald as discussed in the following action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 3-6 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,466,548 to Fitzgerald.

Regarding claim 3, Fitzgerald teaches a method of generating test sequences for evaluating the interoperability of communication systems connected through a first and second VoIP gateway with respect to a desired mode of operation between the systems, the method comprising: determining transitions (e.g., loopback tests) that are required to implement the desired mode of operation (e.g., delay-free calling), wherein each transition pertains to a first

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operation of the first VoIP gateway (e.g., voice packets sent from first VoIP gateway 16) and a corresponding second operation of the second VoIP gateway (e.g., packets looped back by gateway 30) (e.g., see col. 3, lines 15-30; col. 4, lines 9-64; and FIGS. 1 and 2); the determining step further comprising, generating acyclic paths (e.g., topology of the network 12, see col. 4, lines 22-25) from a transition diagram representing possible transitions (e.g., calls through to the gateway through routers Ra-Rd, see FIG. 2); generating simple cycles from the transition diagram (e.g., loopback paths 32-35); and combining the generated paths and cycles to form a final set of paths representing the determined transitions (e.g., via route table, see col. 4, line 65 – col. 5, line 30 and FIG. 3); and testing each communication system (e.g., subnetworks 18, 22, 24, 26, 28, see FIG. 2) by causing each system to perform the determined transitions (e.g., see col. 5, lines 8-20 regarding loopback calls made automatically throughout the network 12).

Regarding claim 4, Fitzgerald teaches at least one of the communication systems is in the form of an IP network (e.g., see col. 5, lines 50-55 and FIG. 5 regarding IP packet routing via 56).

Regarding claim 5, Fitzgerald teaches at least one of the communication systems is in the form of a switched telephone network (e.g., see col. 5, lines 45-50 and FIG. 5 regarding PSTN interface 60).

Regarding claim 6, Fitzgerald teaches selecting the desired mode of communication as voice communication (e.g., see col. 4, lines 59-63 regarding voice stream).

Regarding claim 8, Fitzgerald teaches an IP network (e.g., subnetwork 18, 22, 24, 26, 27 comprising LANs or WANs; see col. 3, lines 15-30) is coupled between the VoIP gateways (e.g., VoIP gateways 16 and 30).

Regarding claim 9, Fitzgerald teaches an IP network (e.g., subnetwork 18, 22, 24, 26, 27 comprising PSTNs; see col. 3, lines 15-30) is coupled between the VoIP gateways (e.g., VoIP gateways 16 and 30).

Regarding claim 10, Fitzgerald teaches eliminating from the testing step transitions concerning only the first VoIP gateway system and transitions concerning only the second VoIP gateway system (e.g., see col. 3, line 38 – col. 4, line 64 regarding continuing loopback calls through the entire network 12 until a primary location of delay is isolated, rather than isolating testing within operations of a single VoIP gateway).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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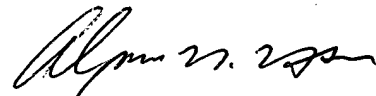
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin M Philpott



ALPUS H. HSU  
PRIMARY EXAMINER